

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM HAMMOCK,

Plaintiff,

v.

CDCR,

Defendant.

Case No. 2:21-cv-00529-KJM-JDP (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH COURT ORDERS, AND
FAILURE TO STATE A CLAIM

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On October 6, 2021, I screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A. ECF No. 16. I notified plaintiff that it failed state a claim and granted him sixty days to file an amended complaint. *Id.* Plaintiff failed to timely file an amended complaint. Accordingly, on April 8, 2022, I ordered him to show cause within twenty-one days why this action should not be dismissed for failure to prosecute and failure to state a claim. ECF No. 20. I notified him that if he wished to continue with this lawsuit, he must file an amended complaint. I also warned him that failure to comply with the April 8 order would result in a recommendation that this action be dismissed.¹ *Id.*

¹ Although it appears from the file that plaintiff's copy of the April 8, 2022 order was returned, plaintiff was properly served. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 The deadline has passed, and plaintiff has not filed an amended complaint nor otherwise
2 responded to the April 8, 2022 order. Accordingly, it is hereby RECOMMENDED that:

3 1. This action be dismissed for failure to prosecute, failure to comply with court orders,
4 and failure to state a claim for the reasons set forth in the October 6, 2021 order. *See* ECF No. 16.

5 2. The Clerk of Court be directed to close the case.

6 I submit these findings and recommendations to the district judge under 28 U.S.C.
7 § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District Court,
8 Eastern District of California. The parties may, within 14 days of the service of the findings and
9 recommendations, file written objections to the findings and recommendations with the court.
10 Such objections should be captioned “Objections to Magistrate Judge’s Findings and
11 Recommendations.” The district judge will review the findings and recommendations under 28
12 U.S.C. § 636(b)(1)(C).

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14 IT IS SO ORDERED.

15 Dated: May 19, 2022

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17 JEREMY D. PETERSON
18 UNITED STATES MAGISTRATE JUDGE
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